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EXAMINER	
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2687	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,687	TANAKA, YOSHIAKI	
	Examiner	Art Unit	
	Eliseo Ramos-Feliciano	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-4, 9-12, 17-19, and 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine et al. (US Patent Number 6,011,973) in view of Steer (US Patent Number 6,643,517).

Regarding **claim 1**, Valentine et al. discloses a cellular phone (100) including a memory (150) and a controller (120); as depicted in Figure 1. A base station (180) in communication with the cellular phone (100). In detail, Valentine et al. discloses:

(a) a memory (150) storing first data (geographical locations where the cellular phone is prohibited from operating) indicative of predetermined sites (column 1, lines 58-59 and column 2, lines 45-53); and

(b) a controller (120) that compares a second data (current geographical location of the cellular phone) to the first data (geographical locations where the cellular phone is prohibited from operating), and stops an operation of said cellular phone (disables the transceiver 110), if said cellular phone is located at said predetermined sites indicated by said first data (column 1, lines 60-67 and column 2, lines 54-63).

However, Valentine et al. fails to particularly disclose that the controller receives the second data (which second data indicates where said cellular phone is) from a base station, as claimed by applicant.

Nevertheless, Valentine et al. teaches that the cellular phone (100) receives GPS transmissions indicative of longitude and latitude coordinates (second data that indicates where said cellular phone is) from satellite (140); see column 2, lines 30-44.

Steer teaches to receive GPS transmissions via broadcast control channels from a base station (column 9, lines 36-43), and determining if the cellular phone is in a protected region (predetermined sites as claimed); see column 3, lines 51-58 of Steer. Thus, Steer teaches receiving GPS transmissions via a base station's broadcast control channel, instead of receiving the GPS transmissions directly from a satellite. Such teaching can be advantageous, for example, when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range; allowing the cellular phone to still receive the GPS signal, that otherwise would not be able to receive.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention as to receive GPS transmissions (information which indicates where said cellular phone is) via the base station's broadcast control channel, instead of receiving GPS transmissions directly from satellite 140, because this would allow the cellular phone to receive the GPS signal even when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range.

Regarding **claim 2**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 1*). In addition, Valentine et al. teaches that the predetermined sites are sites in

which it is unpreferable to make a call through a cellular phone. Such as geographical locations where the cellular phone is prohibited from operating (column 2, lines 60-63); for example: airplane or airport runways (column 1, lines 38 and 43).

Regarding **claim 3**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 1*). In addition, Valentine et al. teaches that the controller downloads the first data (geographical locations where the cellular phone is prohibited from operating) into the memory (150) from an external database (190 - Figure 1) in cellular telephone network 170 via base station 180 (column 2, lines 63-67; column 3, lines 10-12).

Regarding **claim 4**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 1*). However, Valentine et al. fails to specifically disclose a modem which modulates signals to be transmitted from said cellular phone and demodulates signals received, and wherein said controller stops an operation of said modem, if said cellular phone is located at said predetermined sites indicated by said first data.

Nevertheless, Valentine et al. teaches that controller 120 stops an operation of said cellular phone by disabling the transceiver 110, if the cellular phone is located at the predetermined sites indicated by the first data (column 2, lines 60-63) as explained above.

Steer teaches disabling communications if the mobile radio unit is in a predetermined site (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention to extend its stop operation to a

modem as claimed, and as taught by Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Regarding **claim 9**, Valentine et al. discloses a cellular phone (100) including a memory (150) and a controller (120); as depicted in Figure 1. A base station (180) in communication with the cellular phone (100). In detail, Valentine et al. discloses:

(a) a memory (150) storing first data (geographical locations where the cellular phone is prohibited from operating) indicative of a first area in which predetermined sites are (column 1, lines 58-59 and column 2, lines 45-53); and

(b) a controller (120) that compares a second data (current geographical location of the cellular phone) to the first data (geographical locations where the cellular phone is prohibited from operating), and stops an operation of said cellular phone (disables the transceiver 110), if said cellular phone is located in said first area (column 1, lines 60-67 and column 2, lines 54-63).

However, Valentine et al. fails to particularly disclose that the controller receives the second data (which second data indicates where said cellular phone is) from a base station, as claimed by applicant.

Nevertheless, Valentine et al. teaches that the cellular phone (100) receives GPS transmissions indicative of longitude and latitude coordinates (second data that indicates where said cellular phone is) from satellite (140); see column 2, lines 30-44.

Steer teaches to receive GPS transmissions via broadcast control channels from a base station (column 9, lines 36-43), and determining if the cellular phone is in a protected region (predetermined sites as claimed); see column 3, lines 51-58 of Steer. Thus, Steer teaches receiving GPS transmissions via a base station's broadcast control channel, instead of receiving

the GPS transmissions directly from a satellite. Such teaching can be advantageous, for example, when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range; allowing the cellular phone to still receive the GPS signal, that otherwise would not be able to receive.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention as to receive GPS transmissions (information which indicates where said cellular phone is) via the base station's broadcast control channel, instead of receiving GPS transmissions directly from satellite 140, because this would allow the cellular phone to receive the GPS signal even when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range.

Regarding **claim 10**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 9*). In addition, Valentine et al. teaches that the predetermined sites are sites in which it is unpreferable to make a call through a cellular phone. Such as geographical locations where the cellular phone is prohibited from operating (column 2, lines 60-63); for example: airplane or airport runways (column 1, lines 38 and 43).

Regarding **claim 11**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 9*). In addition, Valentine et al. teaches that the controller downloads the first data (geographical locations where the cellular phone is prohibited from operating) into the memory (150) from an external database (190 - Figure 1) in cellular telephone network 170 via base station 180 (column 2, lines 63-67; column 3, lines 10-12).

Regarding **claim 12**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 9*). However, Valentine et al. fails to specifically disclose a modem which

modulates signals to be transmitted from said cellular phone and demodulates signals received, and wherein said controller stops an operation of said modem, if said cellular phone is located at said predetermined sites indicated by said first data.

Nevertheless, Valentine et al. teaches that controller 120 stops an operation of said cellular phone by disabling the transceiver 110, if the cellular phone is located at the predetermined sites indicated by the first data (column 2, lines 60-63) as explained above.

Steer teaches disabling communications if the mobile radio unit is in a predetermined site (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention to extend its stop operation to a modem as claimed, and as taught by Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Regarding **claim 17**, Valentine et al. discloses a method of operating a cellular phone (100). A base station (180) in communication with the cellular phone (100), as depicted in Figure 1. The method including the steps of:

(a) storing first data (geographical locations where the cellular phone is prohibited from operating) indicative of predetermined sites (column 1, lines 58-59 and column 2, lines 45-53);

(b) receiving second data (GPS transmissions indicative of longitude and latitude coordinates) which second data indicates where said cellular phone is (current geographical location of the cellular phone) (column 2, lines 30-44);

(c) comparing said second data to said first data (column 2, lines 54-56); and

(d) stopping an operation of said cellular phone, if said cellular phone is located at said predetermined sites (column 2, lines 60-63).

However, Valentine et al. fails to particularly disclose that the second data is received from a base station as claimed.

Nevertheless, Valentine et al. teaches that the cellular phone (100) receives the GPS transmissions (second data that indicates where said cellular phone is) from satellite (140); see column 2, lines 30-44.

Steer teaches to receive GPS transmissions via broadcast control channels from a base station (column 9, lines 36-43), and determining if the cellular phone is in a protected region (predetermined sites as claimed); see column 3, lines 51-58 of Steer. Thus, Steer teaches receiving GPS transmissions from a base station via a base station's broadcast control channel, instead of receiving the GPS transmissions directly from a satellite. Such teaching can be advantageous, for example, when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range; allowing the cellular phone to still receive the GPS signal, that otherwise would not be able to receive.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention as to receive the GPS transmissions (information which indicates where said cellular phone is) from a base station via the base station's broadcast control channel, instead of receiving GPS transmissions directly from satellite 140, because this would allow the cellular phone to receive the GPS signal even

when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range.

Regarding **claim 18**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 17*). In addition, Valentine et al. teaches downloading said first data from an external database. The controller downloads the first data (geographical locations where the cellular phone is prohibited from operating) into the memory (150) from an external database (190 - Figure 1) in cellular telephone network 170 via base station 180 (column 2, lines 63-67; column 3, lines 10-12).

Regarding **claim 19**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 17*). However, Valentine et al. fails to specifically disclose that an operation of a modem of said cellular phone is stopped as claimed by applicant.

Nevertheless, Valentine et al. teaches that controller 120 stops an operation of said cellular phone by disabling the transceiver 110, if the cellular phone is located at the predetermined sites indicated by the first data (column 2, lines 60-63) as explained above.

Steer teaches disabling communications if the mobile radio unit is in a predetermined site (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention to extend its stop operation to a modem as claimed, and as taught by Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Regarding **claim 23**, Valentine et al. discloses a method of operating a cellular phone (100). A base station (180) in communication with the cellular phone (100), as depicted in Figure 1. The method including the steps of:

(a) storing first data (geographical locations where the cellular phone is prohibited from operating) indicative of a first area in which predetermined sites are (column 1, lines 58-59 and column 2, lines 45-53);

(b) receiving second data (GPS transmissions indicative of longitude and latitude coordinates) which second data indicates where said cellular phone is (current geographical location of the cellular phone) (column 2, lines 30-44);

(c) comparing said second data to said first data (column 2, lines 54-56); and

(d) stopping an operation of said cellular phone, if said cellular phone is located in said first area (column 2, lines 60-63).

However, Valentine et al. fails to particularly disclose that the second data is received from a base station as claimed.

Nevertheless, Valentine et al. teaches that the cellular phone (100) receives the GPS transmissions (second data that indicates where said cellular phone is) from satellite (140); see column 2, lines 30-44.

Steer teaches to receive GPS transmissions via broadcast control channels from a base station (column 9, lines 36-43), and determining if the cellular phone is in a protected region (predetermined sites as claimed); see column 3, lines 51-58 of Steer. Thus, Steer teaches receiving GPS transmissions from a base station via a base station's broadcast control channel, instead of receiving the GPS transmissions directly from a satellite. Such teaching can be

advantageous, for example, when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range; allowing the cellular phone to still receive the GPS signal, that otherwise would not be able to receive.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention as to receive the GPS transmissions (information which indicates where said cellular phone is) from a base station via the base station's broadcast control channel, instead of receiving GPS transmissions directly from satellite 140, because this would allow the cellular phone to receive the GPS signal even when the cellular phone is out of reach of the satellite's transmission beam, or out of the satellite's range.

Regarding **claim 24**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 23*). In addition, Valentine et al. teaches downloading said first data from an external database. The controller downloads the first data (geographical locations where the cellular phone is prohibited from operating) into the memory (150) from an external database (190 - Figure 1) in cellular telephone network 170 via base station 180 (column 2, lines 63-67; column 3, lines 10-12).

Regarding **claim 25**, Valentine et al. and Steer disclose everything claimed as applied above (see *claim 23*). However, Valentine et al. fails to specifically disclose that an operation of a modem of said cellular phone is stopped as claimed by applicant.

Nevertheless, Valentine et al. teaches that controller 120 stops an operation of said cellular phone by disabling the transceiver 110, if the cellular phone is located at the predetermined sites indicated by the first data (column 2, lines 60-63) as explained above.

Steer teaches disabling communications if the mobile radio unit is in a predetermined site (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Valentine et al.'s invention to extend its stop operation to a modem as claimed, and as taught by Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

3. **Claims 5-8, 13-16, 20-22, and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Steer (US Patent Number 6,643,517).

Regarding **claim 5**, Steer discloses a cellular phone (10) including a controller (26); as depicted in Figure 2. A base station (6) for communications with the cellular phone (10); Figure 1. In detail, Steer discloses:

a controller (26) which uses first data (mobile radio's current location) which indicates where said cellular phone is. The controller receives from a base station second data (protected region boundaries) which indicates a first site (12) within a service area (13) covered by said base station (6), compares the first data to said second data, and stops an operation of said cellular phone, if said cellular phone is located at said first site (column 3, lines 40-54; column 4, lines 59-64, column 6, lines 20-26, 31-32, 39-41, column 8, lines 8-12).

However, Steer fails to particularly disclose receiving from the base station the first data which indicates where said cellular phone is.

Nevertheless, Steer teaches that the mobile radio makes use of a suitable known location finding technique to determine its location (first data) (column 3, lines 49-50; column 6, lines 22-23). For example GPS (column 9, lines 36-43); wherein the GPS information (first data which indicates where said cellular phone is) is received from a base station via broadcast control channels, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43). Should be noted that the second data (protected region boundaries) is received from the base station via broadcast control channels also (column 9, lines 44-47; column 4, lines 61-64; column 5, lines 60-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive from the base station both the first data which indicates where said cellular phone is, and the second data which indicates a first site as claimed in a single embodiment, as suggested by the same Steer, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43).

Regarding **claim 6**, Steer discloses everything claimed as applied above (see *claim 5*). In addition, Steer teaches that the first site is a site in which it is unpreferable to make a call through a cellular phone. For example: hospitals, aircraft, automobile, train, and other sensitive areas (column 1, lines 10, 22-28).

Regarding **claim 7**, Steer discloses everything claimed as applied above (see *claim 5*). In addition, Steer teaches that the controller downloads said second data thereinto from an external database (information server 8) (column 4, lines 64-66).

Regarding **claim 8**, Steer discloses everything claimed as applied above (see *claim 5*). However, Steer fails to specifically disclose that the controller stops an operation of a modem, if said cellular phone is located at said predetermined sites indicated by said first data, as claimed.

Nevertheless, Steer teaches disabling communications if the mobile radio unit is in a predetermined site (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend Steer's stop operation to a modem as claimed, and as suggested by the same Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Regarding **claim 13**, Steer discloses a cellular phone (10) including a controller (26); as depicted in Figure 2. A base station (6) for communications with the cellular phone (10); Figure 1. In detail, Steer discloses:

a controller (26) which uses first data (mobile radio's current location) which indicates where said cellular phone is. The controller receives from a base station second data (protected region boundaries) which indicates a first area (12) within a service area (13) covered by said base station (6), compares the first data to said second data, and stops an operation of said cellular phone, if said cellular phone is located at said first area (column 3, lines 40-54; column 4, lines 59-64, column 6, lines 20-26, 31-32, 39-41, column 8, lines 8-12).

However, Steer fails to particularly disclose receiving from the base station the first data which indicates where said cellular phone is.

Nevertheless, Steer teaches that the mobile radio makes use of a suitable known location finding technique to determine its location (first data) (column 3, lines 49-50; column 6, lines 22-23). For example GPS (column 9, lines 36-43); wherein the GPS information (first data which indicates where said cellular phone is) is received from a base station via broadcast control channels, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43). Should be noted that the second data (protected region boundaries) is received from the base station via broadcast control channels also (column 9, lines 44-47; column 4, lines 61-64; column 5, lines 60-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive from the base station both the first data which indicates where said cellular phone is, and the second data which indicates a first area as claimed in a single embodiment, as suggested by the same Steer, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43).

Regarding **claim 14**, Steer discloses everything claimed as applied above (see *claim 13*). In addition, Steer teaches that the first area is a area in which it is unpreferable to make a call through a cellular phone. For example: hospitals, aircraft, automobile, train, and other sensitive areas (column 1, lines 10, 22-28).

Regarding **claim 15**, Steer discloses everything claimed as applied above (see *claim 13*). In addition, Steer teaches that the controller downloads said second data thereinto from an external database (information server 8) (column 4, lines 64-66).

Regarding **claim 16**, Steer discloses everything claimed as applied above (see *claim 13*). However, Steer fails to specifically disclose that the controller stops an operation of a modem, if said cellular phone is located at said predetermined areas indicated by said first data, as claimed.

Nevertheless, Steer teaches disabling communications if the mobile radio unit is in a predetermined area (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend Steer's stop operation to a modem as claimed, and as suggested by the same Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Regarding **claim 20**, Steer discloses a method of operating a cellular phone. A base station (6) in communication with the cellular phone (10), as depicted in Figure 1. The method including the steps of:

(a) receiving from a base station second data (protected region boundaries) which indicates a first site (12) within a service area (13) covered by said base station (6). The method also includes a first data (mobile radio's current location) which indicates where said cellular phone is. (column 3, lines 40-45, column 4, lines 59-64, column 6, lines 17-26)

(b) comparing said first data to said second data (column 3, lines 51-53; column 6, lines 24-26); and

(c) stopping an operation of said cellular phone, if said cellular phone is located at said first site. (column 3, lines 55-58, column 6, lines 39-41).

However, Steer fails to particularly disclose receiving from the base station the first data which indicates where said cellular phone is.

Nevertheless, Steer teaches that the mobile radio makes use of a suitable known location finding technique to determine its location (first data) (column 3, lines 49-50; column 6, lines 22-23). For example GPS (column 9, lines 36-43); wherein the GPS information (first data which indicates where said cellular phone is) is received from a base station via broadcast control channels, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43). Should be noted that the second data (protected region boundaries) is received from the base station via broadcast control channels also (column 9, lines 44-47; column 4, lines 61-64; column 5, lines 60-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive from the base station both the first data which indicates where said cellular phone is, and the second data which indicates a first site as claimed in a single embodiment, as suggested by the same Steer, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43).

Regarding **claim 21**, Steer discloses everything claimed as applied above (see *claim 20*). In addition, Steer teaches downloading said first data from an external database (information server 8) (column 4, lines 64-66).

Regarding **claim 22**, Steer discloses everything claimed as applied above (see *claim 20*). However, Steer fails to specifically disclose that an operation of a modem of said cellular phone is stopped as claimed.

Nevertheless, Steer teaches disabling communications if the mobile radio unit is in a predetermined site (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend Steer's stop operation to a modem as claimed, and as suggested by the same Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Regarding **claim 26**, Steer discloses a method of operating a cellular phone. A base station (6) in communication with the cellular phone (10), as depicted in Figure 1. The method including the steps of:

(a) receiving from a base station second data (protected region boundaries) which indicates a first area (12) within a service area (13) covered by said base station (6). The method also includes a first data (mobile radio's current location) which indicates where said cellular phone is. (column 3, lines 40-45, column 4, lines 59-64, column 6, lines 17-26)

(b) comparing said first data to said second data (column 3, lines 51-53; column 6, lines 24-26); and

(c) stopping an operation of said cellular phone, if said cellular phone is located at said first area. (column 3, lines 55-58, column 6, lines 39-41).

However, Steer fails to particularly disclose receiving from the base station the first data which indicates where said cellular phone is.

Nevertheless, Steer teaches that the mobile radio makes use of a suitable known location finding technique to determine its location (first data) (column 3, lines 49-50; column 6, lines 22-23). For example GPS (column 9, lines 36-43); wherein the GPS information (first data which indicates where said cellular phone is) is received from a base station via broadcast control channels, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43). Should be noted that the second data (protected region boundaries) is received from the base station via broadcast control channels also (column 9, lines 44-47; column 4, lines 61-64; column 5, lines 60-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive from the base station both the first data which indicates where said cellular phone is, and the second data which indicates a first area as claimed in a single embodiment, as suggested by the same Steer, for the advantage of improving the accuracy of the location determination process (see column 9, lines 42-43).

Regarding **claim 27**, Steer discloses everything claimed as applied above (see *claim 26*). In addition, Steer teaches downloading said first data from an external database (information server 8) (column 4, lines 64-66).

Regarding **claim 28**, Steer discloses everything claimed as applied above (see *claim 26*). However, Steer fails to specifically disclose that an operation of a modem of said cellular phone is stopped as claimed.

Nevertheless, Steer teaches disabling communications if the mobile radio unit is in a predetermined area (protected region); see column 6, lines 31-32 and 39-41 of Steer. The mobile

unit can be a cellular phone, a laptop computer with mobile radio fax modem or the like; column 10, lines 44-50.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend Steer's stop operation to a modem as claimed, and as suggested by the same Steer, because this would prevent a larger amount of users from annoying other people or equipment in restricted areas.

Response to Arguments

4. Applicant's arguments filed October 25, 2004 have been fully considered but they are not persuasive.

5. With respect to claims 1, 9, 17, and 13, Applicant argues that Steer does not disclose or suggest a controller in a cellular phone which receives from a base station second data indicating where the cellular phone is. In support for this Applicant argues that Steer is directed to the base station broadcasting its own location information to mobile terminals and that this "may tend to imply" that Steer discloses that each mobile terminal may then have to determine its own location (see page 3, second full paragraph of the response).

In response to Applicant's arguments, it should be noted that the claimed language does not specify nor require *where or by whom* the location is determined. The claims recite that the "second data indicates where said cellular phone is". This limitation requires an indication as to where the cellular phone is. In other words, the second data is just and indication of location (not necessarily the exact/precise location).

Valentine et al.'s GPS signals received at the cellular phone are indicative of longitude and latitude coordinates (where the cellular phone is). Steer teaches such GPS signals can be

received from a base station as claimed. The rejection is based on a combination of both references. By definition, according to *Newton's Telecom Dictionary*, GPS signals allow to figure out where we are anywhere on earth. Clearly, an indication of location.

6. With respect to claims 2-4, 10-12, 18-19, and 24-25, Applicant argues the same because they depend on claims 1, 9, 17, and 13 (see page 3, third full paragraph of the response). Consequently same arguments above a applied.

7. In response to applicant's argument that Steer teaches away from the invention (see page 4, first full paragraph of the response, particularly 8th line), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

The Examiner respectfully contends that the combination of Valentine et al. and Steer fully meets the claimed limitations for the reasons stated above. Steer does not teach away from the claimed invention.

8. Applicant argues Steer as explained above with respect to the rest of the claims (see page 4, second full paragraph to page 5, first paragraph of the response). Thus, same arguments above a applied.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

10. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/25/05

ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf
May 25, 2005